

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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CHERYL RUNNELS,

Plaintiff,

vs.

STATE OF NEVADA on relation of the
NEVADA DIVISION OF PAROLE
AND PROBATION, an agency,

Defendants.

2:10-CV-00929-PMP-RJJ

ORDER

Before the Court for consideration is Defendant's fully briefed Motion to Dismiss Amended Complaint (Doc. #25), filed on January 10, 2011. In their Motion, Defendant maintains that Plaintiff's Title VII claim was filed after the statute of limitation had expired, and that Plaintiff's supplemental tort claims are barred under the Eleventh Amendment.

In Plaintiff's Opposition to Defendant's Motion to Dismiss (Doc. #26) Plaintiff concedes that her supplemental tort claims must be brought in state court, but insists that her Title VII claim was timely filed. The Court disagrees.

The record before the Court establishes that Plaintiff's Title VII lawsuit was filed 95 days after the Right-to-Sue Letter dated March 12, 2010 was issued by the Equal Employment Opportunity Commission. Title VII actions must be filed within 90 days following receipt of the Right-to-Sue Letter. 42 U.S.C. 2000e-5(f)(1). Plaintiff has failed to demonstrate that she complied with the 90 day

1 jurisdictional time limit, in Plaintiff's Title VII claim is therefore time barred.

2 **IT IS THEREFORE ORDERED** that Defendant's Motion to Dismiss
3 Amended Complaint (Doc. #25) is **GRANTED**.

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5 DATED: February 14, 2011.

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8 PHILIP M. PRO
9 United States District Judge
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